

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAINT-GOBAIN ABRASIVES, INC.,
Plaintiff

V.

KOHLER CO.,
Defendant

CIVIL ACTION NO. 04-40199

JOINT STATEMENT PURSUANT TO
LOCAL RULE 16.1

Pursuant to Local Rule 16.1 and the Court's Notice of Scheduling Conference, the parties respectfully submit the following joint statement.

I. PROPOSED PRETRIAL SCHEDULE

1. Initial disclosures required by Fed. R. Civ. P. 26(a)(1) Served by Plaintiff on January 7, 2005;
served by Defendant on February 7, 2005
2. Amendments to Pleadings April 6, 2005
3. Fact Discovery – Interim Deadlines
 - a. Requests for production of documents and interrogatories must be served by: May 6, 2005
 - b. Requests for admissions must be served by: November 6, 2005
 - c. All depositions, other than expert depositions, must be completed by: October 18, 2005
4. Fact Discovery – Final Deadline
 - All discovery, other than expert discovery must be completed by: October 18, 2005
5. Status Conference To be set by Court

6. Expert Discovery

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| a. Plaintiff's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by: | November 6, 2005 |
| b. Plaintiff's trial experts must be deposed by | December 6, 2005 |
| c. Defendant's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by: | January 6, 2006 |
| d. Defendant's trial experts must be deposed by: | February 6, 2006 |

7. Dispositive Motions

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| 1. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by: | March 6, 2006 |
| 2. Oppositions to dispositive motions must be filed within <u>30 days</u> after service of the motion. | |

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| 8. Pretrial Conference | To be set by Court |
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II. TRIAL BY MAGISTRATE JUDGE

The parties do not consent to trial by magistrate judge.

III. SETTLEMENT DISCUSSIONS

The parties have engaged in preliminary settlement discussions.

IV. LOCAL RULE 16.1 CERTIFICATIONS

The parties will file their certifications separately.

SAINT-GOBAIN ABRASIVES, INC.

KOHLER, CO.

By its attorneys,

By its attorneys,

/s/ Robert L. Hamer

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Dated: March 1, 2005